

H. CHRISTIAN L'ORANGE (State Bar No. 71730)
 BENJAMIN J. HOLL (State Bar No. 200630)
 MICHAEL P. PULLIAM (State Bar No. 215435)
 DRINKER BIDDLE & REATH LLP
 50 Fremont Street, 20th Floor
 San Francisco, California 94105-2235
 Telephone: (415) 591-7500
 Facsimile: (415) 591-7510

WILLIAM J. CASS, ESQ., *pro hac vice*
 ANDREW C. RYAN, ESQ., *pro hac vice*
 THOMAS J. MANGO, ESQ., *pro hac vice*
 CANTOR COLBURN LLP
 55 Griffin Road South
 Bloomfield, Connecticut 06002
 Telephone: (860) 286-2929
 Facsimile (860) 286-0115

Attorneys for Plaintiff and Counterdefendant
 MEMRY CORPORATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

MEMRY CORPORATION,

 Plaintiff,

 v.
 KENTUCKY OIL TECHNOLOGY, N.V.,
 PETER BESSELINK AND MEMORY
 METAL HOLLAND B.V.,

 Defendants.

Case No. CV-04-03843 RMW (HRL)

**STIPULATION AND ORDER
 CLARIFYING ORDER CONTINUING
 CERTAIN DEADLINES BECAUSE OF
 EMERGENCY UNAVAILABILITY**

Date: November 8, 2007
 Time: 2:00 p.m.
 Ctrm.: 6

KENTUCKY OIL TECHNOLOGY, N.V.,

 Counterclaimant,

 v.
 MEMRY CORPORATION and
 SCHLUMBERGER TECHNOLOGY
 CORPORATION,

 Counterdefendants.

The Honorable Ronald M. Whyte, District Judge

1 WHEREAS on October 23, 2007 Kentucky Oil Technology, N.V. ("Kentucky Oil") and
2 Schlumberger Technology Corporation ("Schlumberger") filed a Stipulation and Proposed Order
3 Continuing Certain Pretrial Deadlines Because of Emergency Unavailability ("Stipulation and
4 Proposed Order") due to the fact that Kentucky Oil's trial counsel, Nicola A. Pisano, and his family
5 have evacuated their home and Mr. Pisano's office has closed as a result of the fires in San Diego;

6 WHEREAS on October 24, 2007 Memry filed an Assent to the Proposed Stipulation;

7 WHEREAS on October 24, 2007 the Court entered the Proposed Order extending certain
8 pretrial deadlines as between counsel for Kentucky Oil and Schlumberger;
9

10 WHEREAS counsel for Memry and Kentucky Oil now wish to clarify that the Order apply to
11 due dates as between Memry and Kentucky Oil as well;

12 WHEREAS Schlumberger does not object to pre-trial extensions being applied as to Memry
13 and Kentucky as well.

14 IT IS HEREBY STIPULATED, by and between Kentucky Oil and Memry, by and through
15 their respective counsel of record:
16

17 1. Kentucky Oil's oppositions to Memry's motions *in limine* and Memry's oppositions to
18 Kentucky Oil's motions *in limine* may be filed October 29, 2007, rather than on October 25, 2007;

19 2. The following documents to be filed and served by Kentucky Oil, Schlumberger and
20 Memry may be filed and served October 29, 2007 rather than October 25, 2007;

- 21 a. Objections to the use of deposition excerpts or other discovery responses;
22 b. Counter-designations;
23 c. Objections to proposed voir dire, proposed findings, proposed verdict forms, or
24 to the authenticity or admissibility of any trial exhibits; and
25

26 3. The parties' Joint Pretrial Statement may be filed on October 29, 2007 rather than
27 October 26, 2007.
28

1 DATED: October 24, 2007

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

2
3
4 By: /s/ Michael H. Bierman
Michael H. Bierman
Attorneys for Defendant and ounterclaimant
Kentucky Oil Technology, N.V. and Defendants
Peter Besselink and Memory Metal Holland, B.V.

5
6
7
8 DATED: October 24, 2007

CANTOR COLBURN LLP

9
10 By: /s/ Andrew C. Ryan
William J. Cass
Cantor Colburn LLP
Attorneys for Counterdefendant
Schlumberger Technology Corporation

ORDER

GOOD CAUSE APPEARING, it is ordered that:

1. Kentucky Oil's oppositions to Memry's motions in limine and Memry's oppositions to Kentucky Oil's motions in limine may be filed October 29, 2007, rather than October 25, 2007.
2. The following documents to be filed and served by Kentucky Oil, Schlumberger and Memry may be filed and served October 29, 2007 rather than October 25, 2007;
 - a. Objections to the use of deposition excerpts of other discovery responses;
 - b. Counter-designations; and
 - c. Objections to proposed voir dire, proposed findings, proposed verdict forms, or the authenticity or admissibility of any trial exhibits.
3. The parties joint pre-trial statement may be filed October 29, 2007 rather than October 26, 2007.

DATED: October __24__, 2007

By: Ronald M. Whyte
Ronald M. Whyte
Judge, United States District Court